

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

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§282.65 Iowa State-Administered Program.

(a) The State of Iowa is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Iowa Department of Natural Resources, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Iowa program on March 7, 1995 and it was effective on May 8, 1995.

(b) Iowa has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Iowa must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Iowa obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Iowa has final approval for the following elements submitted to EPA in Iowa's program application for final approval and approved by EPA on March 7, 1995. Copies may be obtained from the Underground Storage Tank Program, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa, 50319.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Iowa Statutory Requirements Applicable to the Underground Storage Tank Program, 1994

(B) Iowa Regulatory Requirements Applicable to the Underground Storage Tank Program, 1994

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Code of Iowa, Chapter 455B, Sections 103(4), 109, 111, 112, 475, 476, 477 and 478.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) Code of Iowa, Chapter 455B, Sections 113, 114 and 115 insofar as they apply to certified laboratories; 479 insofar as it applies to account dispersion; Chapter 455G, Sections 1–20 insofar as they apply to the comprehensive petroleum underground storage tank fund.

(B) Iowa Administrative Code, Rule 567, Chapter 134.1–5 insofar as they apply to the registration of groundwater professionals; 135.3(4) insofar as it applies to farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

(2) *Statement of legal authority.* (i) “Attorney General's Statement for Final Approval”, signed by the Attorney General of Iowa on December 22, 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Iowa to EPA, dated December 22, 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The “Demonstration of Procedures for Adequate Enforcement” submitted as part of the original application in March of 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in March 1994, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 7 and the Iowa Department of Natural Resources, signed by the EPA Regional Administrator on June 22, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[60 FR 12632, Mar. 7, 1995]

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§ 282.65

APPENDIX A TO PART 282—STATE REQUIREMENTS INCORPORATED BY REFERENCE IN PART 282 OF THE CODE OF FEDERAL REGULATIONS

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Iowa

(a) The statutory provisions include Code of Iowa, 1993; Chapter 455B, Jurisdiction of Department:

Section 101—Definitions

Section 103—Director's duties, except for 455B.103(4)

Section 105—Powers and duties of the commission, except for 105(5), 105(11)a(3) and 105(11)b

Section 471—Definitions

Section 472—Declaration of policy

Section 473—Report of existing and new tanks—fee

Section 473A—Petroleum underground storage tank registration amnesty program

Section 474—Duties of Commission—rules

Section 479—Storage tank management fee, except for the 2nd and 3rd sentences

(b) The regulatory provisions include Iowa Administrative Code, 1993, Rule 567, Environmental Protection Commission:

Chapter 131.1—Definitions

Chapter 131.2—Report of Hazardous Conditions

Chapter 133.1—Scope

Chapter 133.2—Definitions

Chapter 133.3—Documentation of contamination and source

Chapter 133.4—Response to contamination

Chapter 133.5—Report to commission

Chapter 135.1—Authority, purpose and applicability

Chapter 135.2—Definitions

Chapter 135.3—UST systems—design, construction, installation, and notification, except for 135.3(4)a, 3(4)b and 3(4)c

Chapter 135.4—General operating requirements

Chapter 135.5—Release detection

Chapter 135.6—Release reporting, investigation, and confirmation

Chapter 135.7—Release response and corrective action for UST systems containing petroleum or hazardous substances

Chapter 135.8—Site cleanup report

Chapter 135.9—Out-of-service UST systems and closure

Chapter 135.10—Laboratory analytical methods for petroleum contamination of soil and groundwater

Chapter 135.11—Evaluation of ability to pay

Chapter 136.1—Applicability

Chapter 136.2—Compliance dates

Chapter 136.3—Definition of terms

Chapter 136.4—Amount and scope of required financial responsibility

Chapter 136.5—Allowable mechanisms and combinations of mechanisms

Chapter 136.6—Financial test of self-insurance

Chapter 136.7—Guarantee

Chapter 136.8—Insurance and risk retention group coverage

Chapter 136.9—Surety bond

Chapter 136.10—Letter of credit

Chapter 136.11—Trust fund

Chapter 136.12—Standby trust fund

Chapter 136.13—Local government bond rating test

Chapter 136.14—Local government financial test

Chapter 136.15—Local government guarantee

Chapter 136.16—Local government fund

Chapter 136.17—Substitution of financial assurance mechanisms by owner or operator

Chapter 136.18—Cancellation or nonrenewal by a provider of financial assurance

Chapter 136.19—Reporting by owner or operator

Chapter 136.20—Record keeping

Chapter 136.21—Drawing on financial assurance mechanisms

Chapter 136.22—Release from the requirements

Chapter 136.23—Bankruptcy or other incapacity of owner or operator or provider of financial assurance

Chapter 136.24—Replenishment of guarantees, letters of credit, or surety bonds.

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